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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,778	02/13/2002	Ajay Mohindra	YO998-210X	4104

7590 08/10/2004

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

13

Office Action Summary	Application No. 10/076,778	Applicant(s) MOHINDRA ET AL.	
	Examiner George C Neurauter, Jr.	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 11-22 are elected. Claims 11-22 are pending and have been examined.

Claim Objections

Claim 13 is objected to because of the following informalities:

Claim 13 recites the limitation "...further comprising the step of maintaining a bag buffer in the program..." In view of claim 11, this limitation does not further limit claim 11. The Examiner will disregard this limitation.

Claim 20 recites the limitation "...a array data structure". "a" should be "an".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the retrieving step". There is insufficient antecedent basis for this limitation in the claim.

In order to expedite prosecution, the Examiner will assume that the "retrieving step" is the same step as the "program subsequently searching" limitation recited in claim 12.

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Claim Interpretation

Claims 14 and 15 recite the limitations "pager" and "beeper" respectively. These limitations will be considered by the Examiner to be one and the same.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-13, 16, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 119 101 A to Peckover.

Regarding claim 11, Peckover discloses a method for enabling a user to provide input values to a running program (referred to throughout the reference as "personal agent" or, alternatively, "Consumer personal agent") before the program needs the input values, comprising the steps of:

maintaining a bag buffer of variable/value pairs in the program ("preference data"; Figures 5A and 5B; column 19, lines 3-31, specifically lines 21-31);

receiving a communication, including input values, from the user; and temporarily storing said input values in said bag buffer. (column 19, lines 3-31, specifically lines 13-15)

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Regarding claim 12, Peckover discloses the method of Claim 11 wherein said program subsequently searches through contents of the bag buffer to locate needed input values before requesting input from said user. (column 15, lines 22-36)

Regarding claim 13, Peckover discloses the method of Claim 12 further comprising the step of maintaining a bag buffer in the program and wherein the retrieving step comprises the steps of:

searching, in the bag buffer, for input values associated with the input variables (column 15, lines 22-36);

updating, if found, the input variables with the input values (column 19, lines 3-31, specifically lines 15-21);

disposing, in an input buffer, the input variables, if not found (column 19, lines 3-31, specifically lines 29-31); and

optionally notifying the user via electronic means if no suitable values are found in the bag buffer. (column 19, lines 33-45)

Regarding claim 16, Peckover discloses the method of Claim 13 wherein the electronic means is electronic mail. (column 18, line 62-column 19, line 2)

Regarding claim 18, Peckover discloses a computer program data structure comprising:

an output buffer ("Decision Agent") for storing output values to be displayed to a user; (column 15, lines 22-36; column 19, lines 33-45)

an input buffer ("Preference Manager") for storing values for which user input of variables is required (column 19, lines 3-31, specifically lines 3-4 and 13-15); and

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a program state buffer for storing at least the present state of said program.

(column 17, lines 16-23)

Regarding claim 19, Peckover discloses the data structure of Claim 18 further comprising a bag buffer for storing input variables. ("preference data"; Figures 5A and 5B; column 19, lines 3-31, specifically lines 21-31)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 14-15, 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peckover.

Regarding claim 14, Peckover discloses the method of Claim 13.

Peckover does not expressly disclose wherein the electronic means is a pager.
.Peckover does suggest that an electronic means may be used to notify a user (column 18, line 62-column 19, line 2)

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However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the nonfunctional descriptive material with the claimed invention because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Claims 15 and 17 are also rejected since these claims recite methods using a “beeper” and “smart telephone” respectively that are also considered to be nonfunctional descriptive language.

Regarding claim 20, Peckover discloses the data structure of Claim 19.

Peckover does not disclose wherein the bag buffer is a array data structure. Peckover does disclose that the bag buffer is a data structure (column 19, lines 3-31, specifically lines 21-31).

Claim 20 is rejected based on the motivations regarding nonfunctional descriptive language as described above regarding claim 14.

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Claims 21-22 are also rejected since these claims recite a bag buffer being a "hash table" and "tuple space" data structure respectively that are also considered to be nonfunctional descriptive language.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6 055 562 A to Devarakonda et al;

US Patent 6 065 040 A to Mima et al;

US Patent 6 115 736 A to Devarakonda et al;

US Patent 6 442 663 B1 to Sun et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Thursday 1-2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn



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